SINGLE BENCH (4)

C.S. 1001 (1)

IN THE HIGH COURT OF JUDICATURE AT CHHATTISGARH : BILASPUR

WRIT PETITION NO. 3584 /2006

PETITIONER — R.L. Kore, S/o Shri Salikram Kore Aged about 40 years, Assistant Teacher, Primary School, Haditola, R/o Block Ambagarh Chowki, District Rajnandgaon (C.G.)

Versus

RESPONDENTS

1) State of Chhattisgarh Through : The Secretary School Education Department and Scheduled Caste and Scheduled Tribe Department, D.K.S Bhawan Raipur (C.G.)

P.R. No. 3656/06
Presented by Shri S.C. Verma
dated 12.12.06

2) The Assistant Commissioner Education, Collectorate Campus Rajnandgaon (C.G.)

3) The District Education Officer, Rajnandgaon (C.G.)

WRIT PETITION UNDER ARTICLE 226/227 OF THE CONSTITUTION OF

(34)

XI-HC-78

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

मामला क्रमांक W.P.3584/ **सन् 2006**

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

20-7-2006

Mr. Satish Chandra Verma, counsel for the petitioner.

Mr. Sumesh Bajaj, Govt. Advocate with Mr. Vinay Pandey, Panel Lawyer for the State/respondents, on advance copy.

Heard on admission.

By the instant writ petition, the petitioner has questioned his transfer order dated 6-7-2006 passed by respondent No.2, whereby he has been transferred under the rationalization scheme dated 1-6-2006.

Learned counsel for the petitioner submits that as per sub-clause (ग) of clause 5 of the scheme the respondents ought to have taken into consideration the fact that in the school where the petitioner is working, two teachers who are juniors to the petitioner are already working and they ought to have been transferred. He further submits that on the day of counselling the petitioner was not able to remain present on account of the fact that he was working as Head Master and that was the working day, and by the time he reached, he was informed that counselling was over. In the circumstances, learned counsel also submits that the petitioner may be allowed to make a representation.

But, clause 7 of the scheme provides for an appeal. Therefore, the petitioner has to exhaust that remedy before approaching this

P.T.O.

(35)

XI-HC-78

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

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In.	Court. The petition is therefore, liable to be dismissed and it is accordingly, dismissed, in limine. The petitioner may avail the appropriate remedy available to him under the scheme. Consequently, M.(W.)P.No.2775/2006 stands disposed of. Sd/- L.C. Bhadoo Judge	

Soma

P.T.O.